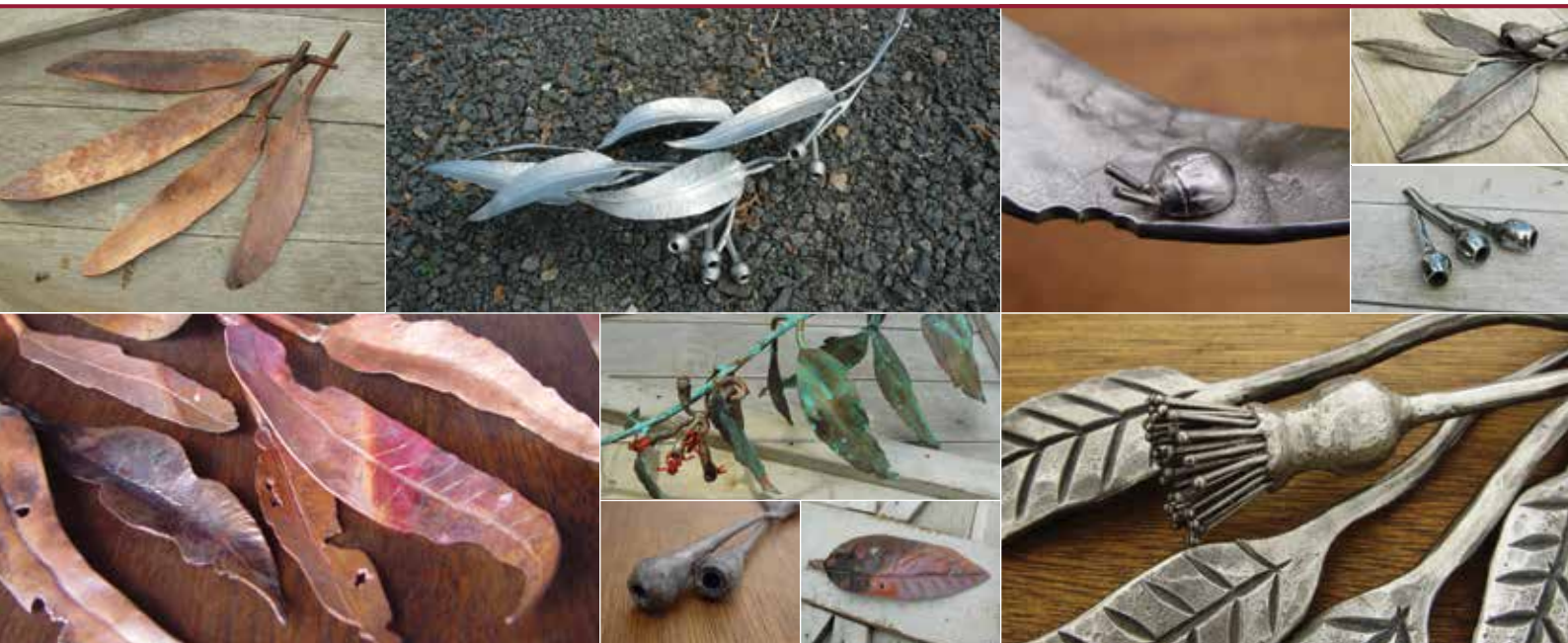




# BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR



**Final Report**

July 2012

Authorised by the Victorian Government

121 Exhibition Street, Melbourne

July 2012

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Blacksmiths from over 20 countries and across Australia have contributed more than 3000 hand forged stainless steel and copper leaves for a forged gumtree as a memorial to the people who lost their lives in the 7 February 2009 bushfires. The gumtree is to be erected in Strathewen. For further information, visit The Tree Project website at [www.treeproject.abavic.org.au](http://www.treeproject.abavic.org.au).



# BUSHFIRES ROYAL COMMISSION **IMPLEMENTATION MONITOR**

## **Final Report**

July 2012

By Authority  
Government Printer for the State of Victoria  
July 2012



# Preface

It is now two years since the Victorian Bushfires Royal Commission (VBRC) handed down its Final Report in July 2010 and a year since I tabled my *Progress Report* in Parliament in July 2011. In the intervening period, the State has continued to employ substantial resources to implement its commitments from the Implementation Plan, *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission – May 2011*, to the VBRC's recommendations. There have been numerous initiatives, reforms and activities undertaken as part of the State's implementation of the VBRC's recommendations that are improving Victoria's preparation, planning, response and recovery to bushfires.

While there has been a strong commitment to improving the State's emergency response capability and capacity, it must be acknowledged that such work has continued in the context of other major issues that have prevailed in the State and emergency management sector. This includes the floods of 2010-11 and 2012 and the emergency management Green Paper released by the government in September 2011. The imperative for reform in emergency management is to ensure that all Victorians are as safe as possible and that they can have confidence in the emergency services to respond effectively to any incident, disaster or tragedy. History shows that Victorians are resilient but there is a pressing need to build communities that are more resilient as a major defensive strategy against natural disasters.

A substantial number of the VBRC's recommendations have now been implemented. However, there are a number of actions that the State has committed to implement that are ongoing and will be delivered over a longer term. Accordingly, the State has extended my role to monitor, review and report the State's implementation actions for another two years. I will provide Annual Reports to Parliament in 2013 and 2014 in accordance with these arrangements.

**Neil Comrie AO, APM**

**July 2012**



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# Abbreviations

<b>ABCB</b>	Australian Building Codes Board
<b>ACARA</b>	Australian Curriculum, Assessment and Reporting Authority
<b>ACR</b>	Automatic Circuit Reclosers
<b>AFAC</b>	Australasian Fire and Emergency Service Authorities Council
<b>AGD</b>	Attorney General's Department (Commonwealth)
<b>AIG</b>	Aerial Intelligence Gathering
<b>AIIMS</b>	Australasian Inter-Service Incident Management System
<b>APZ</b>	Asset Protection Zone
<b>BAL</b>	Bushfire Attack Level
<b>BCA</b>	Building Code of Australia
<b>BHBM</b>	Bushfire Hazard and Biodiversity Mapping
<b>BMF</b>	Building Ministers' Forum
<b>BMO</b>	Bushfire Management Overlay
<b>BPA</b>	Bushfire Prone Area
<b>BRCIM</b>	Bushfires Royal Commission Implementation Monitor
<b>BRCIM Act</b>	<i>Bushfires Royal Commission Implementation Monitor Act 2011</i>
<b>BUSHFIRE CRC</b>	Bushfire Cooperative Research Centre
<b>CASA</b>	Civil Aviation Safety Authority
<b>CFA</b>	Country Fire Authority
<b>CFA Act</b>	<i>Country Fire Authority Act 1958</i>
<b>CFL Act</b>	<i>Conservation, Forest and Land Act 1987</i>
<b>Comdisplan</b>	Commonwealth Disaster Response Plan
<b>DEECD</b>	Department of Education and Early Childhood Development
<b>DH</b>	Department of Health
<b>DHS</b>	Department of Human Services
<b>DOJ</b>	Department of Justice
<b>DPC</b>	Department of Premier and Cabinet
<b>DPCD</b>	Department of Planning and Community Development
<b>DPI</b>	Department of Primary Industries
<b>DSE</b>	Department of Sustainability and Environment
<b>DTF</b>	Department of Treasury and Finance
<b>DTS</b>	deemed-to-satisfy



<b>EA</b>	Emergency Alert
<b>ECS</b>	Emergency Call Service
<b>EM Act</b>	<i>Emergency Management Act 1986</i>
<b>EMMV</b>	Emergency Management Manual Victoria
<b>EMZ</b>	Ecological Management Zone
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>
<b>ESC</b>	Emergency Services Commissioner
<b>ESTA</b>	Emergency Services Telecommunications Authority
<b>ESV</b>	Energy Safe Victoria
<b>FAQ</b>	Frequently Asked Question
<b>FEAB</b>	Fire and Emergency Aviation Board
<b>FDI</b>	Fire Danger Index
<b>FDR</b>	Fire Danger Rating
<b>FFG Act</b>	<i>Flora and Fauna Guarantee Act 1998</i>
<b>FLIR</b>	Forward Looking Infrared
<b>FMZ</b>	Fire Management Zone
<b>FOP</b>	Fire Operation Plan
<b>Framework</b>	Bushfire Safety Policy Framework
<b>FRU</b>	Fire Recovery Unit
<b>FSC</b>	Fire Services Commissioner
<b>FSC Act</b>	<i>Fire Services Commissioner Act 2011</i>
<b>GAA</b>	Growth Areas Authority
<b>GIS</b>	Geographic Information System
<b>ha</b>	hectares
<b>HBAS</b>	Household Bushfire Advice Service
<b>HBSAT</b>	Household Bushfire Self Assessment Tool
<b>ICC</b>	Incident Control Centre
<b>ICT</b>	Information Communications Technology
<b>IESF</b>	Integrated Emergency Services Framework
<b>IFMP</b>	Integrated Fire Management Planning
<b>IMT</b>	Incident Management Team
<b>KPI</b>	Key Performance Indicator

<b>LBS</b>	Location Based Solution
<b>LGNV</b>	Local Government Native Vegetation
<b>LPPF</b>	Local Planning Policy Framework
<b>MACC</b>	Multi-Agency Capability Committee
<b>MAV</b>	Municipal Association of Victoria
<b>MEBU</b>	Mobile Education Bushfire Units
<b>MEMP</b>	Municipal Emergency Management Plan
<b>MFB</b>	Metropolitan Fire and Emergency Services Board
<b>MFB Act</b>	<i>Metropolitan Fire Brigades Act 1958</i>
<b>MFMP</b>	Municipal Fire Management Plan
<b>MFMPCC</b>	Municipal Fire Management Planning Committee
<b>MFPO</b>	Municipal Fire Prevention Officer
<b>MFPP</b>	Municipal Fire Protection Plan
<b>MIF</b>	Manual Incendiary Flare
<b>MSS</b>	Municipal Strategic Statement
<b>NCC</b>	National Construction Code
<b>NEMC</b>	National Emergency Management Committee
<b>NEO</b>	Networked Emergency Organisations
<b>NIDR</b>	National Identity Documents Replacement
<b>NPRS</b>	National Police Reference System
<b>NRIS</b>	National Registration and Inquiry System
<b>NSDR</b>	National Strategy for Disaster Resilience
<b>NSP</b>	Neighbourhood Safer Place
<b>NVCR</b>	Native Vegetation Credit Register
<b>OESC</b>	Office of the Emergency Services Commissioner
<b>OHS</b>	Occupational Health and Safety
<b>OSOM</b>	One Source One Message
<b>OTC</b>	over-the-counter
<b>PBSPOC</b>	Powerline Bushfire Safety Program Oversight Committee
<b>PBST</b>	Powerline Bushfire Safety Taskforce
<b>PE Act</b>	<i>Planning and Environment Act 1987</i>
<b>PEOA</b>	Planning Enforcement Officers Association

<b>RBPA</b>	Regional Bushfire Planning Assessments
<b>RDV</b>	Regional Development Victoria
<b>RIS</b>	Regulatory Impact Statement
<b>RVT</b>	Rapid Verification Taskforce
<b>SAU</b>	State Aircraft Unit
<b>SCC</b>	State Control Centre
<b>SCPEM</b>	Standing Council on Police and Emergency Management
<b>SEMAT</b>	State Emergency Management Assurance Team
<b>SERP</b>	State Emergency Response Plan
<b>SERPC</b>	State Emergency Response Planning Committee
<b>SERRPC</b>	State Emergency Relief and Recovery Planning Committee
<b>SFMPC</b>	State Fire Management Planning Committee
<b>SOP</b>	Standard Operating Procedure
<b>SPIF</b>	Self Propelled Incendiary Flare
<b>SPPF</b>	State Planning Policy Framework
<b>SWER</b>	Single Wire Earth Return
<b>SWMZ</b>	Strategic Wildfire Moderation Zone
<b>TMP</b>	Traffic Management Point
<b>TPP</b>	Township Protection Plan
<b>VBIL</b>	Victorian Bushfire Information Line
<b>VBRC</b>	Victorian Bushfires Royal Commission
<b>VBRRRA</b>	Victorian Bushfire Reconstruction and Recovery Authority
<b>VCAA</b>	Victorian Curriculum and Assessment Authority
<b>VCEC</b>	Victorian Competition and Efficiency Commission
<b>VEMC</b>	Victorian Emergency Management Council
<b>VFBV</b>	Volunteer Fire Brigades Victoria
<b>VFR</b>	Victorian Floods Review
<b>VFRR</b>	Victorian Fire Risk Register
<b>VICSES</b>	Victoria State Emergency Service
<b>VPEP</b>	Vulnerable People in Emergencies Program
<b>VPP</b>	Victorian Planning Provisions
<b>WMO</b>	Wildfire Management Overlay

# Executive Summary

This *Final Report* is delivered in accordance with section 12 of the *Bushfires Royal Commission Implementation Monitor Act 2011* (the BRCIM Act). The report records the State's progress on approximately 300 implementation actions outlined in *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission* (the Implementation Plan) which was tabled in Parliament in May 2011. The Implementation Plan sets out the government's response to the 67 recommendations of the Victorian Bushfires Royal Commission (VBRC).

Chapter 1 of this *Final Report* discusses the changes to fire management in Victoria since February 2009. Significant initiatives include the creation of the State's first Fire Services Commissioner (FSC), the subsequent Fire Services Reform Action Plan, command and control arrangements and a number of legislative amendments. The chapter also summarises the 2010-11 and 2011-12 fire seasons and a range of exercises and reviews that have been conducted. While acknowledging the substantial improvements to fire management, this chapter also reiterates the critical importance of shared responsibility in minimising the likelihood of a tragedy of the scale of Black Saturday ever happening again.

Chapter 2 addresses each of the State's implementation actions individually and in accordance with the BRCIM Act, details are provided where possible of the effectiveness of the method used by the relevant agency in carrying out an implementation action and the efficacy of that action. This *Final Report*, however, does not address in detail the implementation actions that were satisfactorily implemented and reported as complete in the *Progress Report* of July 2011.

In the development of the Bushfire Safety Policy Framework (the Framework) the State has adjusted some previously determined shelter options to align with the 'leave early' approach to bushfire safety (recommendations 1 to 5). The BRCIM supports these adjustments to the original implementation actions as they more appropriately reflect current policy and the transition from the previous 'prepare, stay and defend or leave early' approach to the current 'leave early' policy. These adjustments occur in the change of title of Township Protection Plans (TPPs) and the removal of references to 'safer precincts' or 'leave early destinations' as options for people intending to leave early on days of extreme fire risk.

The process of identification and designation of Neighbourhood Safer Places (NSPs) has proven to be a major challenge for the State and local government and it is clear that in some locations, NSPs are not appropriate on safety and other legitimate grounds. The designation of community fire refuges has also been a very slow process and there are currently no designated community fire refuges in Victoria under the new Community Fire Refuges policy. The FSC has indicated an intention to consider the introduction of community fire refuges through the building of fire stations and other new public buildings or retrofitting existing buildings to the fire refuge standards. The BRCIM supports this approach but emphasises that this matter should be dealt with as soon as possible.

The State has also made a number of significant legislative changes designed to improve electricity safety in Victoria (recommendations 27 to 34). In particular there are important initiatives arising from the Powerline Bushfire Safety Taskforce final report and the establishment by the government of the Powerline Bushfire Safety Program.

There has been a coordinated approach by departments and agencies to implement those recommendations aimed at improving integration between the building and planning regimes (recommendations 37 to 55). Changes include new statewide hazard, vegetation and biodiversity mapping, amendments to State and local planning policies, new regulatory conditions imposed on building in high risk bushfire areas and community and sector wide information. These changes are by no means an absolute guarantee that all life or property will be protected and safe from the impact of a bushfire, but are designed to reduce and minimise this risk.

While the majority of implementation actions in relation to the planning and building recommendations have been implemented in a timely fashion, many will take some years to implement and embed into the existing planning and building regimes. The effectiveness of changes, particularly planning scheme amendments, will not be known for many years to come and in many cases, the effectiveness may not be known until fully impacted by bushfire. A number of recommendations are long term, such as the buy-back scheme (recommendation 46). As applications for the scheme have only recently closed ongoing monitoring and review will be required.

The State's commitment to the VBRC's annual rolling target of burning five per cent of public land has been managed within tight funding and resource allocations (recommendation 56). The State, while not meeting the planned burning targets for 2011-12, has introduced a number of initiatives to improve the performance and delivery of the planned burning program. The Department of Sustainability and Environment (DSE) is embarking on a planned burning reform program which will consider a number of options to ensure the efficiency and effectiveness of planning, capability and delivery to facilitate achieving the annual rolling target of 390,000 hectares per annum (recommendations 56 and 57).

The BRCIM questions the rolling target as the most effective way to increase the level of planned burning across the State as working towards a pre-determined target may diminish the State's ability to focus on risk reduction in high risk areas. The BRCIM advocates that the State reconsider the planned burning rolling target of five per cent as the primary outcome as part of the planned burning reform program. It is considered that the most important objective of the planned burning program must be to address public safety risks in line with the VBRC's intentions.

In general terms, the BRCIM is satisfied that the State has made very good progress in meeting its commitments under the Implementation Plan. The regular meetings of the State Coordination and Management Council (Bushfires Sub-Committee) has been an effective mechanism for coordinating and overseeing policy development relating to the VBRC recommendations. The appointment of the FSC (recommendation 63) has also provided a focal point for a more strategic and cohesive approach to the development of policy and procedures. The FSC has assumed a critical leadership role and has actively pursued initiatives including:

- > the expansion of fire initiatives to apply to a wider range of hazards (all hazards approach)
- > the further development of systems interoperability
- > streamlining the current fire and emergency management processes into one process
- > seeking a single point of accountability for fire prevention
- > developing an overall State level policy for fire management and a process for prioritising government investment in future fire programs.

There is only one finalised implementation action where the State has not met its obligations. Implementation action 1(m) required the State to undertake a major research project in late 2010 to explore the experiences people have had preparing and defending their property during a threat of bushfire or direct impact of bushfire. This research project was due to be completed by March 2011. The final report on this project was substantially delayed meaning that the findings could not be used to inform the development of the Framework, for which it was intended.

In a small number of instances, the timelines for implementation committed to by the State were optimistic and underestimated the complexity of some tasks. This situation is especially evident in actions that required national agreement or involved technological solutions or enhancements. Nevertheless, the BRCIM is satisfied that these commitments were made in good faith and subsequent delays in implementation are not necessarily evidence of neglect or lack of commitment.

A broad range of initiatives and improvements to operational response arrangements have been introduced across the State. Since Black Saturday, the summers of 2010-11 and 2011-12 have (mercifully) been relatively benign insofar as bushfire threat is concerned. While this is a positive for the community, it has significantly restricted the opportunity for the BRCIM to test the efficacy of many implementation actions. Although trials and exercises provide insight into the effectiveness of some initiatives, conclusive evidence of efficacy will only be available when these initiatives have been stress tested under operational conditions. It follows that some of the efficacy comments in this report rely on the limited evidence available to the BRCIM.

About 60 implementation actions will not be satisfactorily completed or are not due for completion until after the release of this *Final Report*. In recognition of this, the Minister for Bushfire Response introduced legislation to extend the role of the BRCIM until September 2014. This amendment, under the *Police and Emergency Management Legislation Amendment Act 2012*, requires the BRCIM to complete Annual Reports by 31 July 2013 and 31 July 2014.

In addition to monitoring the State's progress against the implementation actions, section 12 of the BRCIM Act requires the BRCIM to monitor and assess ongoing efforts to improve interactions between agencies and councils in relation to bushfire planning and preparation. In 2011, the BRCIM conducted a research project, in consultation with State agencies and a representative sample of councils, to meet this legislative requirement.

Chapter 3 discusses this project. Evidence suggests that interactions between councils and agencies vary throughout the State. In some locations, stakeholders work collaboratively in managing bushfire risk, overcoming challenges together, collectively owning planning processes and genuinely sharing the responsibility for bushfire planning and preparation. In other parts of the State, relationships are more difficult, particularly where people have limited capacity to contribute to collaborative processes.

The Integrated Fire Management Planning (IFMP) and the Emergency Management (Fire) Coordinators Program have made progress in developing a more integrated approach to fire management and alleviating some of the resource pressure on municipal councils. However, there is evidence that the dislocation of emergency management arrangements in some areas has entrenched individual agency based approaches that continue to stifle innovation and best practice.

In order to achieve real shared responsibility, there is a need for a coordinated strategic direction for, and leadership within, the entire emergency management sector. Without this it is impossible for practitioners to understand and articulate their roles and responsibilities in relation to each other and their communities. This strategic direction should encompass all public, private and not-for-profit sector stakeholders including emergency services agencies, community development and engagement professionals, land use planners, health sector professionals, builders, business owners, tourism operators and community members.

Chapter 4 discusses the issues of shared responsibility, community resilience and the changing emergency management landscape. The BRCIM has been mindful of a range of other reviews, inquiries and research regarding major natural disasters that have occurred since Black Saturday. It is the firm view of the BRCIM that the recommendations of the VBRC should be considered in the context of the additional knowledge and experience that has emerged from these more recent reviews and inquiries. Consequently, it is appropriate that in a small number of cases the approach taken by the State to address implementation actions has been adjusted, to accommodate these more recent findings, recommendations and experiences.

While the recommendations of the VBRC are of critical importance in their own right, they will now also inform the ongoing reform of the emergency management sector in Victoria. This reform program commenced in September 2011 with a Green Paper titled *Towards a More Disaster Resilient and Safer Victoria*. This Green Paper was the precursor to the development of a related White Paper, to be released later in 2012. It is anticipated that some of the major themes of the VBRC Final Report will be reflected in the White Paper, such as shared responsibility for bushfire safety and the coordination and interoperability of the fire and other emergency services.

The BRCIM is also very aware of the increased national and international focus on the issue of community resilience as a front line strategy in the protection of lives and property. The development and implementation of this strategy in Victoria will, of necessity, reinforce and support the recommendations of the VBRC and the extensive action taken to date by the State to implement the VBRC's recommendations.

# Introduction

## 2009 Victorian bushfires

In 2009, a series of bushfires in Victoria unleashed a wave of destruction and devastation unparalleled in Australia's history. The February 2009 bushfires are the worst in Australia's history surpassing both the Ash Wednesday fires of 1983 and the Black Friday fires of 1939.

The extreme weather conditions leading up to 7 February 2009 (referred to as Black Saturday) included severe and prolonged drought and heat wave conditions in late January. The 2008-09 bushfire season was one of the longest and most demanding.<sup>1</sup> In the week leading up to 7 February, Victorian authorities gave explicit warnings of the upcoming conditions including that it was likely to be *"the worst day ever in the history of the State."*<sup>2</sup>

The horrendous conditions on the day resulted in the loss of 173 lives and many seriously injured. The fires devastated 109 towns and 33 communities.

### 7 February 2009

The fires destroyed or damaged

- > around 430,000 hectares (ha) of forests, crops and pasture
- > more than 4,600 houses destroyed or damaged
- > 70 National Parks and reserves
- > more than 200 historic places and more than 200 indigenous heritage sites
- > more than 820 kilometres of streams, rivers and creeks
- > three primary schools and three children's services, with 47 primary schools partially damaged
- > over 8,200 kilometres of boundary fencing
- > over 11,000 farm animals killed or injured
- > over 3,500 agricultural facilities such as dairies
- > the habitats of more than 40 species of endangered animals<sup>3</sup>

The widespread devastation required a massive sustained reconstruction program with support required for personal recovery for those dealing with the trauma, grief and loss. The Australian Red Cross in partnership with the Victorian and Federal Governments established the Victorian Bushfire Appeal Fund<sup>4</sup> on 8 February to support people and communities affected by the bushfires. An Independent Advisory Panel consisting of community leaders was set up to administer the fund's operations and allocate funds.

The Victorian Bushfire Reconstruction and Recovery Authority (VBRRA) was established on 10 February 2009 following agreement between the Premier of Victoria and the Prime Minister. VBRRA's role was to lead the reconstruction and recovery of all areas affected by the bushfires including the planning and coordinating of long term reconstruction and recovery efforts in all affected communities.<sup>5</sup>

VBRRA closed on 30 June 2011 with the Fire Recovery Unit (FRU) in Regional Development Victoria (RDV) now responsible for the ongoing recovery of communities impacted by the fires. Further information is available from the FRU website.

Although it is over three years since the February 2009 bushfires, the impact of the fires is still evident. The fires cost an estimated \$4 billion<sup>6</sup> and considerable funds (State, federal and money from the Victorian Bushfire Appeal Fund) have been expended to assist individuals and communities impacted by the fire to rebuild their lives. In many areas throughout the State, recovery activities continue and will do so for some period to come.

The events of 7 February 2009 are a constant reminder that Victoria is one of the most bushfire prone areas in the world.

1 2009 Victorian Bushfires Royal Commission *Final Report*, Vol I, p 4.  
2 M.Moncrief, 'Worst Day in History, Brumby warns of fire danger' *The Age* 6 February 2009 accessed from [www.theage.com.au](http://www.theage.com.au), 1 May 2012.  
3 Victorian Bushfire Reconstruction and Recovery Authority *Legacy Report*, June 2011, p 5. The Legacy Report is available from the FRU website.

4 For more information on the Victorian Bushfire Appeal Fund and the Advisory Panel refer to the Department of Human Services website at [www.dhs.vic.gov.au/bushfireappeal](http://www.dhs.vic.gov.au/bushfireappeal).  
5 VBRRA *Legacy Report*, June 2011.  
6 VBRC *Final Report*, Vol I, p 345.

## 2009 Victorian Bushfires Royal Commission

Immediately following the bushfires, the government announced the establishment of a Royal Commission to investigate the causes and responses to the bushfires.

The 2009 Victorian Bushfires Royal Commission (VBRC) was chaired by the Hon. Bernard Teague AO and supported by Commissioners Ron McLeod AM and Susan Pascoe AM.

The VBRC was given very broad terms of reference to inquire into and report on the causes and circumstances of the fires, the preparation and planning before the fires, all aspects of the response to the fires, measures taken relating to utilities and any other matters considered appropriate. In addition, the letters patent directed the VBRC to make such recommendations as it deemed appropriate relating to preparation and planning for future fire threats and risks, land use planning and management, fireproofing structures, emergency response, communication, training, infrastructure and overall resourcing.<sup>7</sup>

The terms of reference required the VBRC to provide an interim and a final report. The VBRC considered the interim reports to form part of their final work and all should be regarded as one body of work.<sup>8</sup>

### Interim Report 1 (August 2009)

The Interim Report contained 51 recommendations focused on changes to be implemented prior to the 2009-10 bushfire season to enhance the protection of human lives.

The VBRC requested the various authorities and agencies responsible for each recommendation to report back to the VBRC about matters raised in the report. In addition, the VBRC required the State to produce:

- > an Implementation Plan by 30 September 2009 – being a brief advice setting out the proposed response, allocated responsibilities and schedule to implement a recommendation
- > a Delivery Report by 31 March 2010 – being a more detailed report on the progress made towards implementing each recommendation and, where appropriate, the outcomes and effectiveness of the response.

The Victorian Government supported all 51 recommendations in the VBRC's Interim Report. On 30 September 2009, the State provided the VBRC with a copy of the *Implementation Plan of the State of Victoria* in response to the VBRC's Interim Report recommendations. This document set out the State's response to each recommendation, providing information on the lead agency, associated actions and the allocated responsibilities and processes to implement each recommendation.

<sup>7</sup> VBRC *Final Report*, Vol 1, p xxv.

<sup>8</sup> VBRC *Final Report*, Summary, p 22. Further details on the VBRC is available from the VBRC website.

### The Delivery Report (March 2010)

Mr Neil Comrie AO APM, former Chief Commissioner of Victoria Police, was appointed in October 2009 to complete a Delivery Report on behalf of the State. The *Delivery Report* addressed the progress made by the State and its agencies regarding the implementation of the recommendations in the Interim Report of the VBRC and where appropriate, the outcomes and effectiveness of the government's response to the recommendations.

The *Delivery Report* was submitted to the VBRC on 31 March 2010 and Mr Comrie gave evidence to the VBRC on the matters raised in the *Delivery Report* in April 2010. In summary, the *Delivery Report* found:

- > the State's response to the VBRC's recommendations involved a large commitment of resources that resulted in a substantial number of positive outcomes
- > there was considerable investment in infrastructure, technological enhancements and wide ranging amendments to policies and procedures
- > the timeframe for implementation of some projects was too limited, meaning that projects were not able to be fully implemented within projected timeframes, with unforeseen resource, technological and legal barriers delaying some projects
- > major areas of concern were Fire Danger Ratings (FDRs), Neighbourhood Safer Places (NSPs) and the state of preparedness of some Incident Control Centres (ICCs)
- > while work remained to be undertaken to complete some of the initiatives emanating from the VBRC's interim recommendations, good progress had been made overall.

Further details on the progress of the State's implementation of the interim report recommendations are contained in the *Delivery Report*, which is available online.<sup>9</sup>

### Interim Report 2: Priorities for Building in Bushfire Prone Areas (November 2009)

The VBRC's second interim report contained seven recommendations that were considered to be critical matters requiring urgent attention in respect to building in bushfire prone areas, including the regulation of bushfire bunkers. These recommendations were directed at the Australian Building Codes Board (ABCB), two were for Standards Australia, one was for the Commonwealth and one was for the State of Victoria. All recommendations of Interim Report 2 have been completed and an update was provided in the *Progress Report*.<sup>10</sup>

<sup>9</sup> The *Delivery Report* is available from the BRCIM website. Further details on the status of interim report recommendations is contained in the *Progress Report* and Chapter 2 of this *Final Report*.

<sup>10</sup> The *Progress Report* is available from the BRCIM website.



## VBRC Final Report (July 2010)

The VBRC Final Report contained 67 recommendations and was a culmination of the VBRC's work. The report (in four volumes)<sup>11</sup> detailed and analysed the events of the fires over January and February 2009, changes required to reduce bushfire risk, the consequences of similar disasters in the future and described the work of the VBRC.

The VBRC stated that its recommendations were designed to give priority to protecting human life and to reflect the shared responsibility that governments, fire agencies, communities and individuals have for minimising the prospect of a tragedy of this scale ever happening again.<sup>12</sup> While placing the preservation of human life at the heart of its deliberations, the VBRC also sought to ensure that due consideration was given to Victoria's environmental sustainability.<sup>13</sup>

Further information on the VBRC including evidence presented at the hearings and the VBRC's reports are available from the VBRC's website.

## Victoria's Response to the VBRC Final Report

The VBRC Final Report was presented to the Governor of Victoria on 31 July 2010. It was tabled in Parliament and released to the public on the same day.

An interim response to the Final Report was released by the former government in August 2010, followed in October 2010 with an Implementation Plan (*Making Victoria Fire Ready – Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission*).<sup>14</sup> This plan outlined the actions which departments and agencies would take to implement the VBRC's Final Report recommendations.

In October 2010, the Premier appointed Mr Neil Comrie AO APM, to monitor government agencies and departments as they implemented the VBRC's recommendations. This was consistent with recommendation 67 of the VBRC's Final Report.

## Bushfires Royal Commission Implementation Monitor Act 2011

The role of the implementation monitor became known as the Bushfires Royal Commission Implementation Monitor (BRCIM) and was subsequently formalised through the *Bushfires Royal Commission Implementation Monitor Act 2011* (the BRCIM Act). The primary legislative functions under the BRCIM Act are to monitor, review and report on the progress of agencies in carrying out the government's response to the VBRC's Final Report recommendations.

In particular, the BRCIM must assess:

- > the progress of agencies in completing implementation actions
- > the effectiveness of the method used in carrying out an implementation action
- > the efficacy of an implementation action.<sup>15</sup>

In addition, the BRCIM is to assess the ongoing efforts to improve the interaction between agencies and councils for the purposes of planning and preparing for bushfires.<sup>16</sup> The BRCIM Act also enables the BRCIM to assess the State's progress in implementing any of the VBRC's Interim Report recommendations which are yet to be completed.

The BRCIM Act required the BRCIM to table two reports in Parliament – a *Progress Report* by 31 July 2011 and a *Final Report* by 31 July 2012.

In early 2012, the BRCIM advised the Minister that a number of implementation actions were not due for completion until after the tabling of the BRCIM's *Final Report* on 31 July 2012. Many of the recommendations include significant long term actions (such as planned burning, electricity safety reform, introduction of a property buy-back scheme and the implementation of a new Fire Services Levy).

In May 2012, legislation was introduced into Parliament to amend the BRCIM Act and the role of the BRCIM.<sup>17</sup> The amendment extends the operation of the BRCIM Act until 30 September 2014 and requires the BRCIM to prepare two additional reports, to be known as Annual Reports. The Annual Reports will require the BRCIM to report on the progress of any implementation action that has not been completed at the date of the tabling of the previous BRCIM report. These Annual Reports are to be tabled in Parliament by 31 July 2013 and 31 July 2014.

11 The four volumes are: Vol I – The Fires and Fire Related Deaths, Vol II – Fire Preparation, Response and Recovery (Parts One and Two), Vol III – Establishment of the Commission and Vol IV – The Statements of Lay Witnesses.

12 VBRC *Final Report*, Vol I, p v.

13 VBRC *Final Report*, Summary, p 2.

14 State of Victoria, *Making Victoria Fire Ready – Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission*, October 2010.

15 Section 12 of the BRCIM Act The definition of implementation action is contained in section 3 of the BRCIM Act.

16 Section 12(1)(b) of the BRCIM Act.

17 The *Police and Emergency Management Legislation Amendment Act 2012* was passed in June 2012.

The BRCIM must also report in the Annual Reports on any other matter requested by the Minister. The Annual Reports will be subject to the same procedural requirements as other BRCIM reports (as outlined in Division 3 of the BRCIM Act).

The use of Annual Reports is in line with the VBRC's intent that annual public reporting be used to transparently monitor progress towards ensuring that Victoria's bushfire mitigation and land management practices are improved.<sup>18</sup>

## State's Implementation Plan

The BRCIM Act also required the State to prepare an Implementation Plan, titled *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission May 2011*<sup>19</sup> (the Implementation Plan) for tabling in Parliament by 31 May 2011.<sup>20</sup>

The State supported all 67 recommendations and committed to undertake a range of implementation actions (almost 300) in response to the recommendations. The Implementation Plan outlines the actions the government has taken, will take or proposes to take to improve Victoria's ability to prevent, prepare, plan for and respond to future bushfires.

The Implementation Plan provides a foundation for the government's strategy to deliver a State better prepared for catastrophic fires in the future. It commits the State to ensuring efforts will be maintained over the long term to avoid complacency about future bushfire risks faced by Victoria.<sup>21</sup>

## Office of the Bushfires Royal Commission Implementation Monitor

Following the appointment of Mr Comrie as the BRCIM, an office was established at 121 Exhibition Street, Melbourne to support and assist Mr Comrie in his role. Staff working in the office were:

- > Brian Hine, Director
- > Simone Lugg, Manager Policy and Legal
- > June Gray, Executive Assistant, Research and Project Support
- > Jessica Malin, Policy Officer
- > Megan Hughes, Editor.

A website was established in 2011 providing details on the role of the BRCIM, the BRCIM reports and links to the BRCIM legislation and the State's Implementation Plan.

## Progress Report

The *Progress Report* was tabled in Parliament on 29 July 2011 and is available from the BRCIM website. This report provided an assessment of the State's progress in carrying out implementation actions as outlined in the State's Implementation Plan for each of the VBRC's Final Report recommendations, together with any responses to the recommendations of the VBRC Interim Reports that had not been fully implemented as at 3 June 2011.

Departments and agencies were required to submit evidence to the BRCIM on the progress of all implementation actions associated with each recommendation. Where possible, the BRCIM provided details of the effectiveness of the method used to carry out the action and the efficacy of each implementation action.

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<sup>18</sup> VBRC *Final Report*, Vol II, Part Two, p 405.

<sup>19</sup> State of Victoria *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission*, May 2011.

<sup>20</sup> Sections 22 and 23 of the BRCIM Act. A copy of the State's Implementation Plan is available from the Department of Justice (DOJ) website.

<sup>21</sup> Implementation Plan (May 2011), p 3.



Second anniversary memorial service. Photo: VBRRRA

In summary, the *Progress Report* found:

- > there has been considerable progress in the delivery of actions with significant resources invested in responding to the recommendations
- > no evidence of neglect or lack of commitment in delivery of actions. However, there was evidence that a number of actions were progressing slower than expected including the upgrade of Divisional Command Centres, research into arson and the review of community warning sirens
- > there has been limited opportunity to test the efficacy of actions under operational conditions due to the benign nature of the past two fire seasons. Concerns were raised with agencies in relation to the Victorian Bushfire Safety Policy Framework (the Framework), shelter options, Township Protection Plans (TPPs), evacuation and arrangements for vulnerable people
- > emerging anecdotal evidence of a worrying level of public apathy with fire safety initiatives being implemented by the fire services and other government agencies
- > departments and agencies were commended for their work in implementing actions, sometimes tirelessly within short timeframes.

The BRCIM noted that the State must not be complacent and lose momentum in implementing the required actions within agreed timelines. The BRCIM stated that the timely, efficient and effective implementation of the commitments contained in the State's Implementation Plan is fundamental to achieving the intent of the VBRC's recommendations.

In the conclusion to the *Progress Report*, the BRCIM identified a number of areas that required further development and monitoring and noted that these would be revisited in the BRCIM's *Final Report* including:

- > the Framework (recommendation 1)
- > shelter options (recommendations 1, 3 and 4)
- > TPPs (recommendation 3)
- > arrangements for vulnerable people (recommendations 3 and 5)
- > reducing bushfire risk in relation to powerlines (recommendations 27 to 34)
- > changes to the planning and building regime in Victoria (recommendations 37 to 55)
- > non-compulsory buy-back of properties in high risk bushfire areas (recommendation 46)
- > Fire Services Levy (recommendation 64)
- > efforts to improve the interaction between agencies and councils for the purposes of planning and preparing for bushfires.

Most of the above issues are addressed in Chapter 2 of this *Final Report* under the respective recommendation. In addition, the BRCIM undertook a specific project on assessing the interactions between councils and agencies for the purposes of planning and preparing for bushfires in accordance with section 12(1)(b) of the BRCIM Act. The findings of this project are contained in Chapter 3 of this *Final Report*.

The *Progress Report* also highlighted the important role of governments, fire agencies, communities and individuals and their shared responsibility in fire safety awareness, planning and preparation. This is addressed further in Chapter 4 of this *Final Report*.



Photo: Department of Sustainability and Environment

## Final Report

This *Final Report* has been prepared in a style consistent with the *Progress Report*. The BRCIM was active throughout 2011 and over the 2011-12 fire season. This included consulting with departments, agencies and other stakeholders involved in implementing the VBRC's Final Report recommendations, visiting control centres, attending and monitoring exercises, viewing demonstrations of systems, visiting fire affected regions, addressing conferences and forums and analysing evidence received.

This *Final Report* builds upon matters raised in the *Progress Report*. Evidence was received from department and agencies from 3 June 2011 to 1 June 2012. This *Final Report* provides details of the status of each implementation action associated with each VBRC recommendation up to 1 June 2012.<sup>22</sup>

## Acknowledgements

The preparation of this *Final Report* has involved extensive engagement with State and Commonwealth departments and agencies as well as non-government organisations such as Crime Stoppers and the Municipal Association of Victoria (MAV).

The BRCIM acknowledges the high level of cooperation received from all of these departments, agencies and non-government organisations in the provision of evidence relating to progress on implementation actions.

<sup>22</sup> In some cases, evidence based on financial year information was obtained after 1 June 2012. Where this information is used it is identified in the relevant section.

# Report structure

This *Final Report* should be read in the context of the VBRC Final Report and the BRCIM's *Progress Report*.

Throughout this *Final Report*:

- > the terms 'VBRC' and 'Commission' are used interchangeably
- > a reference to the 'Implementation Plan' means the State's Implementation Plan – *Implementing the Government's Response to the 2009 Victorian Bushfires Royal Commission May 2011* – which was tabled in Parliament on 31 May 2011
- > the terms 'agency' and 'implementation action' have the same meanings as section 3 of the BRCIM Act
- > references to recommendations or implementation actions refer to the BRCIM's examination of implementation actions and recommendations in Chapter 2 of this *Final Report*.

Chapter 1 outlines the changes to fire management arrangements in Victoria since February 2009.

Chapter 2 is the BRCIM's final assessment on the progress and status of each implementation action and recommendation of the VBRC's Interim and Final Reports.

Chapter 3 outlines the findings of the BRCIM's project into the assessment of the interactions between councils and agencies in planning and preparing for bushfires.

Chapter 4 details the BRCIM's assessment of shared responsibility and community resilience within the context of the changing emergency management landscape.